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MEMORANDUM FOR MR. CHARLES HILL
Executive Secretary
Department of State

COL. JOHN STANFORD
Executive Secretary
Department of Defense

Executive Secretary
Central Intelligence Agency

SUBJECT: Review of White House Digest Draft

Please review the attached White House Digest entitled
"Sandinista Repression of Trade Unions and Employer Groups."

Please provide comments or clearance by Friday, March 30, 1984.
Thank you.

Robert M. Kimmitt
Robert M. Kimmitt
Executive Secretary

Attachment

cc Mr Robert Searby
Deputy Under Secretary
Dept of Labor

C-388

SANDINISTA REPRESSION OF TRADE UNION
AND EMPLOYER GROUPS

Introduction

It has taken four years of cruel repression for the reality of human rights violations in Nicaragua to become undeniable. Nicaraguan officials have admitted to the summary executions of hundreds of prisoners in the aftermath of the "Triumph." (1)

The Sandinistas have assassinated and kidnapped their opponents whether inside or outside of Nicaragua. Examples: the murders of Commander Bravo in Honduras, Jorge Salazar in Managua, Hector Frances in Costa Rica and Anastasio Somoza in Paraguay.

Repression is not limited to political foes. Nicaraguans who refuse to bow to Sandinista rule are likely to be harassed, arrested and, in some cases, tortured. If an individual fails to conform to Sandinista standards, he will be prohibited from obtaining employment, food and shelter.

Enforcing this conformity is a vast security network. Nicaraguans today enjoy few human, civil or political rights. Free trade union members have been among the most persecuted groups in Nicaragua since the Sandinista takeover in 1979.

Criticism of Sandinista repression of labor and employer groups, as it has become more and more heavy-handed, has sparked concern on the part of Amnesty International and the International Labor Organization.

Nicaraguan Labor Violations

The International Labor Organization (ILO) has repeatedly criticized Nicaragua's failure to uphold international freedom of association standards. A minimum of twelve complaints have been submitted by both labor and employer organizations against the Nicaraguan Government since 1980.

The ILO's special committee on Freedom of Association has concluded in virtually all cases that the murders, arrests and detentions, as well as numerous legislative restrictions on civil and labor rights, violate international standards.

In addition, the ILO's annual International Labor Conference has become increasingly adamant in its criticism of Nicaragua's violation of freedom of association. The 1982 Conference fell short of public condemnation after the Sandinistas agreed to cooperate and seek assistance from the ILO.

When the Conference convened in June, 1983, however, no assistance had actually been sought. The Conference subsequently publicly highlighted for the first time the case of Nicaragua, and under much pressure, the government requested formal assistance from the ILO. The ILO mission was to have visited Nicaragua in December, 1983, and its findings are to be discussed at the next ILO Conference in June, 1984. (2)

The International Confederation of Free Trade Unions (ICFTU), officially protested to the Nicaraguan government on December 18, 1981, concerning restrictions placed on the attendance at a union training course given by the International Center for Advanced Vocational Training in Turin, Italy.

One candidate was selected from the government-controlled Sandinista Confederation of Nicaraguan Workers (CST), and one from the Confederation of Trade Union Unity (CUS), an independent free trade union. The CST candidate was approved, but the Nicaraguan government denied permission to the representative of the CUS.

The government dismissed the incident as a bureaucratic mistake -- the candidates had not cleared exit permits with the Ministry of Planning, they said -- and neither candidate went. (3)

Since the creation of the Sandinista-controlled union, CUS has come under attack, and its members have been repeatedly harassed. Members of the CST have been rewarded for their loyalty. As a result it is increasingly difficult for the independent CUS to survive as a free trade union. (4)

As estimated 200 members of the Central de Trabajadores de Nicaragua (CTN), a trade union federation affiliated with the Christian Democratic Confederacion Latinoamericana de Trabajadores (CLAT), were reported detained for questioning between June, 1981 and December, 1982.

Some trade union leaders have in a number of cases been repeatedly detained. Juan Rafael Suazo, president of the union of workers at Managua cooking oil factories (Sindicato de la Industria Aceitera de Managua, or SITRIAM), an affiliate of the CTN, was detained for several days in March, 1982 and again in April, 1982.

The charges were not brought before a court and this in itself justifies questioning whether the arrests represent a pattern of harassment or intimidation.

On November 7, 1982, Alejandro Amero and Dennis Maltes Lugo, social welfare secretary and treasurer respectively of the dockworkers' union of the Pacific Coast of Corinto (Sindicato de Estibadores del Puerto de Corinto), were detained on unspecified charges under Public Order Law, (Decree no. 5 of July 20, 1979).

Alejandro Amero was held in detention for a two week period, following which he was released. At the time of his release, the case was still in the interrogation stage.

Dennis Maltes Lugo was detained for a period of five weeks following which charges were dropped and he was subsequently released. Other members of the Dockworkers' Union, who have reportedly been detained for short periods of time, have, in the past, been the subject of repeated appeals by Amnesty International. (5) The ICFTU also issued a statement calling for the release of the imprisoned dock workers.

On May 5, 1983, 18 individuals, most of them leaders of the CTN, were detained. While little information is available in the legal situation of the 18 prisoners, all were reportedly detained under the Law for the Maintenance of Public Order and Security; some were reportedly charged under this law with having sabotaged or obstructed production in their work places.

Amnesty is concerned that the 18 may have been detained solely because of their leadership positions in the national trade federation, the CTN. Although some are believed to have been released, those still in detention have been charged under Public Order Law for various crimes, among them sabotage and obstructing production. (6)

Few cases of convictions and lengthy sentences under Public Order Law clauses restricting the freedom of expression, trade union organization, and the non-violent activities of political parties have come to the attention of Amnesty International or other human rights organizations in the course of 1982.

Most prisoners detained in relation to trade union, political party, or other activity not involving violence or the advocacy of violence have been held for relatively short periods, and released before trial proceedings have begun.

In this regard, however, Amnesty International is concerned at what appears to be a pattern of harassment and intimidation through short-term, but arbitrary imprisonment of supporters of lawful opposition, trade union, and other groups. (7)

Some of these arrests are clearly arbitrary. The pattern of these arrests appears to represent a practice intended to intimidate members or potential members or supporters of independent trade unions, political parties, or other non-violent organizations that are considered a potential challenge to current government policies.

Throughout 1982 and continuing through mid-1983, members of organizations that have challenged government policies have been subject to frequent short-term arrest and routine questioning in a pattern of apparent harassment and intimidation. (8)

One particularly disturbing example of harassment was a recent Barricada (the official Sandinista newspaper) article labeling Alvin Guthrie, the leader of an independent labor confederation, a "counterrevolutionary." With the story was a cartoon, drawn by a state cartoonist, depicting Guthrie, who is black, with a bone tied to the top of his head. (9)

On a recent visit to the U.S., Victor Espinoza, Legal Counsel to the CTN, stated that the CTN wants Nicaragua to return to the three promised components of the original Sandinista plan: political pluralism, a mixed economy, and non-alignment with any superpower. Since this has not been done, however, the CTN has refused to join the official Sandinista government labor organization.

CTN leaders say that as a result, members of their union are the first to be fired by state-owned companies, are frequently harassed, and arbitrarily arrested. Close to thirty of their members are currently in prison. (10)

Surrender to the State

In Communist countries throughout the world, trade unions serve not to advance the interests of the workers, but to serve the political interests of the rulers. They serve not to organize strikes but to forbid them; not to improve the wages and benefits but to restrain them; not to bargain collectively on behalf of the workers but to organize the collective submission of the workers to their employers -- the State.

This same path is being pursued by the new Communist leadership of Nicaragua. The primary purpose of labor unions in today's Nicaragua is to assist in the forced transformation of society along the lines determined by the Sandinista leadership.

Sandinista violations of workers' rights even includes requiring workers to participate in all-night work details, according to Benjamin Lanzas, a leader of the Superior Council of Private Enterprise (COSEP). He said:

"After working all day the people are 'volunteered' for special midnight to 5 a.m. neighborhood work details. If they refuse, they are hounded by the turbas, or mobs, organized by the neighborhood Sandinist spies, the CDS (Comites de Defensa Sandinista). These turbas then terrorize the worker's family, destroy the worker's property, and the worker is often denied his food ration card unless he is willing to repent." (11)

Existing independent trade unions are being harassed, their members blacklisted, threatened and sometimes jailed. Most of the unions and most of the union members in the country have been herded into Sandinista labor confederations subservient to the government.

These confederations have supported the Nicaraguan government's ban on strikes, collaborating in the destruction of organized labor's most potent weapon. Collective bargaining has become a farce. (12)

The AIFLD Episode: 1979-1981

Soon after their takeover of Nicaragua in 1979, the FSLN became increasingly critical of the American Institute for Free Labor Development (AIFLD) presence in Nicaragua and of democratic unions such as the CUS, an affiliate of the International Confederation of Free Trade Unions.

It publicized in the press (various articles in Barricada) that the AIFLD operation was a CIA front, whose employees were posing as trade unionists while seeking to undermine the revolution. Sandinista efforts to discredit AIFLD personnel and programs as well as threats against the CUS leaders eventually culminated in the closing of the AIFLD office. Much of the CUS leadership is now in exile.

The CUS and other democratic unions continue to be harassed to this day. The AIFLD office and its personnel in Managua were under constant surveillance; telephones were tapped; and occasional, illegal searches and break-ins were carried out after hours at the AIFLD office. Equipment and documents were stolen during the break-ins and the contents of the documents were later printed in Barricada.

The AIFLD had established a revolving fund for campesino seminars from which the campesinos could receive a no-interest loan for their planting season to be repaid at harvest time. After the loans were made, the Sandinistas threatened the borrower not to repay, and eventually the revolving fund was bankrupt.

In addition to public harassment directed at AIFLD and other democratic unions, the Sandinistas enlisted the support of their newly created government labor federation, the CST. The CST is affiliated to the Communist World Federation of Trade Unions (WFTÜ), an organization headed by the iron curtain countries and Cuba, headquartered in Prague.

This was followed by a Sandinista order preventing the AIFLD country director from physically operating out of his office. In addition to isolating him from his staff, his passport was also confiscated for a period of approximately three months. Exit and entry visas were denied to prohibit his travel to regional labor meetings and to the U.S.

For a period of approximately six months, the AIFLD director had to conduct his duties under the protection of the U.S. Embassy in Managua. Unable to effectively carry out a program of training and agricultural development for campesino unions, the

AIFLD director was withdrawn and the office was finally closed in 1981.

The official repression carried out in the press, and through Sandinista trade unions affiliated with the CST, foreclosed U.S. opportunities to cooperate with democratic unions in Nicaragua. At no time were any charges against AIFLD proven, nor was the Sandinista campaign of harassment ever embraced by the CUS or other democratic unions familiar with the AIFLD program in Nicaragua.

A personal appeal to Sandinista leaders by the AIFLD director to discuss the aims and objectives of the AIFLD union-to-union program in Nicaragua went unanswered. The Sandinista efforts to discredit AIFLD/U.S. forms of technical assistance on a union-to-union basis in Nicaragua were nothing more than a pretext for hostile actions against the U.S.

Moreover, these actions were inconsistent with the claimed Sandinista policy of promoting free and democratic institutions in the aftermath of the Somoza rule. Further evidence of their actual policy of opposition to free unions is seen in the Sandinista persecution of the Nicaraguan Workers Central, a non-Sandinista labor confederation, supported by the World Confederation of Labor (made up of European Christian trade unions) and its regional organization, CLAT.

Repression of the Business Sector

Nicaragua's private sector, organized under an umbrella organization known as the Superior Council for Private Enterprise (COSEP), has frequently complained that the radical policies pursued by the Sandinistas have created a lack of confidence in the country's political and economic future, elements vital for private investment.

For such criticism, members of the Nicaraguan business community, who played an essential role in overthrowing Somoza's government through its "crippling strikes," have been portrayed as "counterrevolutionaries," exploiting the masses. Because of this, they have been persecuted by the Sandinista security forces.

This persecution includes the assassination of the vice president of COSEP, Jorge Salazar, who was shot to death by government security forces minutes after a staged "arms transfer." The government justified the murder by calling him a "counterrevolutionary."

Since this incident, thousands of businessmen, technicians, and professionals have fled from Nicaragua. Understandably, businesses have suffered dramatic decreases in productivity. (13)

On October 20, 1981, COSEP published an open letter criticizing Humberto Ortega's statement that the Sandinista government could "in a matter of hours," take over everything that "the bourgeoisie still possesses." The letter accused the government of egregious economic mismanagement, and the Sandinista doctrine of Marxism-Leninism, for the country's deepening economic crisis. (14)

The Sandinista government quickly reacted to this letter: by midnight of the same day, state security forces arrested four COSEP leaders in their homes for "violation of the economic and social emergency law."

Three of those arrested were sentenced to seven months in jail on October 30. They were Enrique Dreyfus, President of COSEP, Benjamin Lanzas, President of the Chamber of Construction, and Gilberto Cuadra, President of the Federation of Nicaraguan Professionals.

Similar sentences were handed down to three other businessmen who fled into exile in Venezuela and the U.S. This left the private sector in Nicaragua leaderless, and with few anti-Sandinistas willing to assume such a risky role. Under continued international pressure, the Sandinistas finally released the COSEP leaders on February 14. Daniel Ortega called together 250 business executives to announce that the sentences had been commuted. (15)

In February and October 1982, the International Organization of Employers (IOE), filed complaints charging the government of Nicaragua detained Enrique Bolanos Gayer, acting Chairman of COSEP, to prevent his participation in a joint economic forum between the governments of Nicaragua and Venezuela.

Also restricted or detained were Enrique Dreyfus, Ismael Reyes, Vice-Chairman of COSEP, William Baez, Assistant Director of the Nicaraguan Development Institute, Rosendo Diaz, Executive Secretary of the Union of Agricultural Producers, and Alejandro Burgos, Executive Director of COSEP. (16)

The Nicaraguan government denied the charges and Dreyfus and his associates were later arrested. Many labor and private enterprise representatives are now in exile, due to restrictions by the Sandinista regime. (17)

The Sandinista regime continued its repressive tactics against COSEP's representation of the private sector in Nicaragua. The Sandinistas agreed only reluctantly to free employer representation at the International Labor Conference of the ILO, where employers, workers and governments meet to formulate new labor standards and to review labor rights violations. (18)

Following pressure from the International Organization of Employers, the Sandinista government finally permitted Ismael

Reyes to attend the 1983 ILO Conference. However, once at the Conference, Reyes learned that his son had been arrested by State Security agents and that two of his businesses had been confiscated by the government during his absence.

Reyes left the Conference without being able to participate in key discussions on Nicaragua's violation of international labor standards. Some speculated that the Sandinista government learned that Reyes planned to speak out against the government's violation of freedom of association and therefore, retaliated by arresting Reyes' son and confiscating his businesses. (19)

Mechanisms of Control and Repression

Under the law for the Maintenance of Public Order and Security (Decree No. 5 of July 20, 1979), a wide range of offenses allegedly related to national security are punishable by imprisonment. (20)

On March 15, 1982, a State of Emergency was declared in Nicaragua and some civil rights and guarantees were suspended. The State of Emergency, equivalent to a state of siege, replaced the State of Economic and Social Emergency that had been in force since September 9, 1981, and made punishable acts considered to undermine the national economy, elaborating on provisions to that effect already included in the Public Order Law.

Under the September 9, 1981 measure, the right to strike had been suspended and dissemination considered damaging to the economy had been made punishable by imprisonment. The March, 1982 State of Emergency retained these provisions and among other measures, ordered a halt to certain activities of political parties and provided for prior censorship of the news media.

Under the State of Economic Emergency, censorship had been exercised through the threat of imprisonment of persons responsible for the publication or broadcasting of news or information considered damaging to the economy and the threat of closure of the newspaper or radio station in question. (21)

There has been apparently systematic censorship from the news media of material concerning human rights issues inside Nicaragua, including reports produced by domestic Nicaraguan human rights, church, trade union, or political organizations regarding human rights abuses.

Some of the prisoners detained under the Public Order Law, both before and after the declaration of the State of Emergency, have been prosecuted solely as a result of their active membership in lawful trade unions or business associations, in human rights groups, or in political party organizations in conflict with or critical of the government. (22)

Conclusion

Human rights abuses, including persecution of trade union and business groups by the Sandinista regime, are clearly arbitrary. The pattern of arrests appears to represent a practice intended to intimidate members or potential members or supporters in independent trade unions, political parties, or other non-violent organizations that are considered to challenge current government policies.

The Sandinista Revolution, while originally promising to bring all Nicaraguans into a pluralistic society has, in fact, singled out these same pluralistic institutions such as trade union and employer groups, and subjected them to the controls of a police state.

Footnotes

1. New York Times, March 5, 1981 p. 2A
2. Bureau of International Labor Affairs, January, 1984
3. Richard Araujo, "The Sandinista War on Human Rights," Heritage Foundation Backgrounder, no. 277 July 19, 1983
4. Ibid.
5. Statement by Amnesty International before the Subcommittee on Human Rights and International Organizations, U.S. House of Representatives, September 15, 1983 pp. 4-6
6. Ibid.
7. Ibid.
8. Ibid.
9. Chris Hedges, "To get ahead in Nicaragua, be a Sandinista," Christian Science Monitor November 25, 1983 p. 11
10. Victor Espinoza, interview with the Voice of America December 8, 1983
11. David Assman, "Are Sandinist Changes for Real?" The Wall Street Journal, December 9, 1983 p. 30
12. The Permanent Committee for Nicaraguan Human Rights: "A Union Report on Nicaragua"
13. "The Sandinista War," op. cit.
14. Richard Araujo, "The Nicaraguan Connection: A Threat to Central America," Heritage Foundation Backgrounder no. 168, February 24, 1982
15. Ibid.
16. "The Sandinista War," op. cit.
17. Ibid.
18. Bureau of International Labor Affairs, January, 1984
19. Ibid.
20. Amnesty International, op. cit.
21. Ibid.
22. Ibid.